



Resolution #13-05: Calling for Limits on ICE Detainers

WHEREAS, the Seattle Human Rights Commission is committed to protecting and advocating for justice, human rights, and the equal treatment of all people who live and work in Seattle, regardless of their immigration status; and

WHEREAS, the City of Seattle was declared to be a Human Rights City on December 10, 2012, committing itself to protect, respect and fulfill the full range of universal human rights for all as set forth in the Universal Declaration of Human Rights and numerous international human rights treaties; and

WHEREAS, in recent years the federal government has enlisted local governments in the enforcement of immigration laws through programs such as the National Fugitive Operations Program, the Criminal Alien Program (CAP), and Secure Communities; and

WHEREAS, as part of these programs, the Immigration and Customs Enforcement (ICE) agency issues large numbers of civil immigration detainer requests to jail administrators asking that otherwise releasable individuals be held for up to 48 additional hours, excluding weekends and holidays, so that people suspected of immigration law violations may be transferred to federal custody; and

WHEREAS, ICE states that the primary objective of these programs is to identify and deport people who have been convicted of serious criminal offenses, but more than three-fourths of the people subject to ICE detainer requests in the United States from fiscal year 2008 to fiscal year 2012 had never been convicted of a crime, and fewer than one in ten had ever been convicted of what ICE considers to be a Level 1 offense; and

WHEREAS, people arrested in Seattle are often booked into a King County jail facility and are thus subject to the County's policy with respect to ICE detainers; and

WHEREAS, in King County, Washington, the majority of those detained by ICE in 2011 had not been charged with a felony offense, and 12% were not charged with any crime at all, and only 18% had ever been convicted in Washington State of a crime against a person as defined by Washington State law; and

WHEREAS, in King County, ICE detainers extend the criminal process, more than doubling the amount of time people spend in jail, and local governments spent an estimated \$3 million in 2011 paying for these extra jail days; and

WHEREAS, in King County, Washington, more than one-fourth of the people who were booked into a King County jail and identified as Hispanic were transferred to ICE; and

WHEREAS, honoring ICE detainer requests under the Criminal Alien Program and Secure Communities undermines trust between local law enforcement and immigrant communities; and

WHEREAS, fear over the consequences of detention and deportation discourages victims of domestic violence from reporting crimes; and



WHEREAS, ICE detainer requests are not criminal warrants or part of the criminal process, are issued by administrative officers, and are not reviewed by either criminal or administrative judges; and

WHEREAS, although many of those detained by ICE may be eligible for asylum or legal residency, they do not enjoy the right to legal representation if they cannot afford an attorney and many are therefore often unable to present their legal case; and

WHEREAS, although it is illegal for the Department of Homeland Security to detain U.S. citizens, ICE agents issued detainers for 834 citizens during the 50-month period beginning in fiscal year 2008 through the start of fiscal year 2012; and

WHEREAS, the United States has the international obligation to protect the human rights of all people, regardless of their immigration status, and because the programs that involve local governments in the enforcement of immigration laws do not provide: 1) minimum guarantees of due process protection; 2) protection against unlawful deprivation of the right to personal liberty for civil infractions; and 3) an effective oversight and accountability system to ensure that immigration law is not enforced in a discriminatory manner, as required by the American Declaration of Rights and Duties of Man, the Universal Declaration of Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights; and

WHEREAS, the Inter-American Commission on Human Rights requests that the United States limit the local enforcement of immigration laws;

WHEREAS, federal law does not mandate compliance with ICE detainer requests and local jurisdictions have the authority to determine under what circumstances it is appropriate for them to exercise their discretion to do so; and

WHEREAS, local jurisdictions already have sufficient legal mechanisms in place to ensure that no detained individual charged with a crime will be released prior to review by a criminal court judge to determine whether she or he is a danger to the community or a flight risk; and

WHEREAS, the following localities have limited the circumstances under which they will honor ICE detainer requests in whole or in part: Cook County, IL; Santa Clara County and San Francisco, CA; Washington DC, and others;

NOW THEREFORE BE IT RESOLVED, that the Seattle Human Rights Commission hereby calls upon King County, Washington to limit the circumstances in which local law enforcement agencies will honor ICE detainer requests by clarifying that detainer requests should only be submitted to in cases involving adults who have been convicted of a violent or serious offense.

Adopted by the Seattle Human Rights Commission on July 11, 2013

A handwritten signature in blue ink, appearing to read 'Catherine Moore'.

Catherine Moore, Co-Chair

A handwritten signature in blue ink, appearing to read 'Nika Dahlbacka'.

Nika Dahlbacka, Co-Chair